

## POSZ LAW GROUP, PLC

ATTORNEYS AT LAW

12040 SOUTH LAKES DRIVE, SUITE 101  
RESTON, VA 20191TEL: (703) 707-8110  
FAX: (703) 707-8112

WWW.POSZLAW.COM

SPECIALIZING IN PATENTS, TRADEMARKS &amp; COPYRIGHTS

MAY 06 2008

PCT LEGAL  
ADMINISTRATIONDEBRA G. SHOEMAKER, PH.D.,  
TETSU YOSHIDA \*\*\* PATENT AGENT  
\* JAPANESE PATENT ATTORNEY  
ADMITTED ONLY IN JAPANDAVID G. POSZ  
JAMES E. BARLOW \*  
BRIAN C. ALTMILLER  
CYNTHIA K. NICHOLSON  
THERESE R. VARNOELL\*  
JAMES M. ALPERT\*\* NOT ADMITTED IN VIRGINIA  
PRACTICE LIMITED TO FEDERAL PATENT,  
TRADEMARK AND COPYRIGHT MATTERS.FACSIMILE TRANSMISSION

Date: May 6, 2008

Pages: 21 (including cover)

To: USPTO / PCT Legal

Attn: Ms. Cynthia Kratz (PCT Petitions) Fax No.: 571-273-0459

From: Posz Law Group, PLC

RE: Application No. 10/690,811

## Comments:

The following are enclosed in connection with Application No. 10/690,811:

- 1) REQUEST TO CONFIRM ACCEPTANCE OF EARLIER CLAIM FOR DOMESTIC PRIORITY UNDER 35 USC 120 / 365(C) AND CONTINGENT RULE 78(A)(3) PETITION TO ACCEPT UNINTENTIONALLY DELAYED PRIORITY CLAIM (2 pages)
- 2) Application data sheet (2 pages)
- 3) PTO/SB/05 originally submitted on 10/23/2003 (1 page)
- 4) Request for corrected filing receipt originally submitted on 12/08/2005 (2 pages)
- 5) Voluntary amendment originally submitted on 10/30/2007 (10 pages)
- 6) Second request for corrected filing receipt originally submitted on 11/20/2007 (2 pages)
- 5) Front page of corrected filing receipt mailed 12/04/2007 (1 page)

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, PCT Legal, Fax No. 571-273-0459, on May 6, 2008.

Typed Name: Inese Wancik

Signature: 

## \*\*\*\*\*Notice\*\*\*\*\*

The information contained in this facsimile transmission is intended only for the above-indicated addressee, and may contain privileged and confidential attorney work product or trade secret information. Any dissemination, distribution or copying of any part of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender, and return the transmission to the sender at the above-indicated address.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |                                   |
|--|-----------------------------------|
| <b>Applicant(s):</b> NOGAMI  |                                   |
| <b>Serial No.:</b> 10/690,811  | <b>Atty. Docket:</b> 24-009-TB    |
| <b>Filed:</b> October 23, 2003   | <b>Group Art Unit:</b> 1616       |
| <b>Title:</b> AN ORALLY ADMINISTERED<br>AGENT AND AN ORALLY<br>ADMINISTERED<br>AGENT/SUPPORTING SUBSTRATE<br>COMPLEX | <b>Examiner:</b> Webman, Edward J |

Date: May 6, 2008

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany St.  
Alexandria, VA 22314  
**Mail Stop: Petition**

**REQUEST TO CONFIRM ACCEPTANCE OF EARLIER CLAIM FOR DOMESTIC  
PRIORITY UNDER 35 USC 120 / 365(C)**

**AND**

**CONTINGENT RULE 78(A)(3) PETITION TO ACCEPT UNINTENTIONALLY  
DELAYED PRIORITY CLAIM**

Sir:

Applicant respectfully requests confirmation that the claim for domestic priority under 35 USC 120 and 365(c) made at the time of filing of the present application on form PTO/SB/05 (as-filed copy attached) was accepted and that the corresponding data (i.e., that this application is a continuation of application no. PCT/JP02/03920, filed on April 19, 2002) will appear under the "RELATED U.S. APPLICATION DATA" heading on the front page of the resulting patent that will issue from the present application.

Applicant notes that the filing receipt issued on April 5, 2004 (subsequent to applicant's Response to Notice to File Missing Parts filed on March 18, 2004) incorrectly listed PCT/JP02/03920 as a priority application under the "Foreign Application" heading rather than

Application No.: 10/690,811

Atty. Docket No.: 24-009-TB

under the "Domestic priority data as claimed by applicant" heading. Therefore, it is unclear whether the claim for domestic priority to PCT/JP02/03920 as a bypass continuation was timely accepted. Confirmation that the claim for domestic priority was previously accepted is requested.

If the aforementioned priority claim is denied, applicant hereby petitions pursuant to 37 C.F.R. 1.78(a)(3) to claim the benefit of priority under 35 USC 120 and 365(c) of prior-filed international application PCT JP02/03920 for the above-identified application.


In particular, pursuant to 37 CFR 1.78(a)(2) and (a)(3)(i) and 35 USC 120, and as noted above, applicant timely provided reference to the prior-filed international application as evidenced by the attached copy of the form PTO/SB/05 that was filed concurrently with the present application on October 23, 2003. In addition, a 2-page application data sheet with appropriate priority information is attached. Also, it should be noted that a first paragraph was added to the application by amendment on October 30, 2007 to identify the present application as a continuation of PCT/JP02/03920.

Pursuant to 37 C.F.R. 1.78(a)(3)(ii), authorization is hereby provided if necessary to debit Deposit Account 50-1147 for the required petition fee of \$1410.00 as set forth in 37 C.F.R. 1.17(t). Any additional necessary fees may also be charged to Deposit Account 50-1147.

Pursuant to 37 C.F.R. 1.78(a)(3)(iii), and for the reasons set forth above, the undersigned states that the entire delay between the priority claim due date as defined under 37 CFR 1.78(a)(3)(ii) and the present claim for priority was unintentional.

In summary, applicant respectfully and urgently requests confirmation that the claim for domestic priority made at the time of filing of the present application has been accepted. Alternatively, applicant requests approval of the above petition if the aforementioned earlier claim for priority is not accepted.

Respectfully submitted,



David G. Posz  
Reg. No. 37,701  
Customer No. 23400

Posz Law Group, PLC  
12040 South Lakes Drive, Suite 101  
Reston, VA 20191  
Phone: (703) 707-9110